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Report of the Secretary-General on children and armed conflict in Uganda

Summary

The present report has been prepared pursuant to Security Council resolution 1612 (2005) and covers the period from December 2008 to June 2009.

The Ugandan People's Defence Forces (UPDF) and its auxiliary forces, the local defence units, have been removed from the annexes to the eighth report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158). That delisting follows the signing in January 2009 of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005) between the Government of Uganda and the United Nations country-level task force on monitoring and reporting. The present report outlines the implementation of that action plan and the follow-up activities to the conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict with regard to Uganda (S/AC.51/2008/13).

The report highlights that the cooperation with the Government of Uganda has been very effective and has allowed the United Nations and its partners to successfully verify that no more children are present in the ranks of UPDF or its auxiliary forces and that no cases of recruitment or use of children have been reported since August 2007.

The report also shows that the Lord's Resistance Army (LRA) remains very active in the region, despite the fact that no military activity has been reported on Ugandan territory since the signing of the Cessation of Hostilities Agreement in August 2006. Violent incidents of killing and maiming of children, abductions, recruitment and grave sexual violence are regularly reported in neighbouring countries such as the Democratic Republic of the Congo and the Central African Republic and in southern Sudan. The report emphasizes the regional dimension of LRA activities and how United Nations actors and country-level task forces on monitoring and reporting are increasingly working on regional coordination for information-sharing, data collection and the repatriation of abducted children to their countries of origin.

The report ends with a series of recommendations that aim to address the remaining challenges in Uganda and the region for enhancing the protection of children.

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I. Introduction

1. During the period under review, major results have been achieved in the implementation of the monitoring and reporting mechanism in accordance with Security Council resolutions 1539 (2004) and 1612 (2005) on grave violations against children in Uganda.

2. The first achievement was the signing in January 2009 of an action plan between the Government of Uganda and the Uganda Task Force on Monitoring and Reporting regarding children associated with armed forces in Uganda. That was followed by the verification visits to Uganda People's Defence Forces (UPDF) facilities in northern Uganda by the Task Force and the subsequent submission to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict of the verification report that constitutes the basis of the present report. UPDF and its auxiliary forces, the local defence units, were de-listed from the eighth report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158).

II. Signing of action plan between the Government of Uganda and the Uganda Task Force on Monitoring and Reporting regarding children associated with armed forces in Uganda

A. Background

3. On 16 January 2009, the Government of Uganda and the Uganda Task Force on Monitoring and Reporting signed an action plan regarding children associated with armed forces in Uganda, in line with the provisions of Security Council resolutions 1539 (2004) and 1612 (2005) and the conclusions of the Council's Working Group on Children and Armed Conflict. The action plan marks the outcome of three years of ongoing dialogue and cooperation between the Government of Uganda, notably the Ministry of Foreign Affairs, UPDF and the Task Force. The adoption of the joint action plan obligates the Government to:

(a) Prevent and end the association of children under the age of 18 with armed and auxiliary forces, otherwise known as local defence units;

(b) Appoint focal points at the highest level of the Government on the implementation of the action plan;

(c) Provide access on a regular and ad hoc basis to UPDF and auxiliary facilities to the Task Force in order to monitor and verify compliance;

(d) Promptly investigate allegations of recruitment and use of children and ensure the prosecution of perpetrators.

4. The action plan identifies time-bound activities relating to children associated with armed forces in Uganda. Among other things, the measures include verification visits to all UPDF facilities by the Uganda Task Force on Monitoring and Reporting and regular access to all relevant UPDF units by the Task Force. Beyond the verification visits to UPDF facilities, the action plan covers five other areas of activity: (a) ensuring cooperation with international organizations in the concrete implementation of the action plan, (b) preventing the recruitment of children under

the age of 18 years, (c) awareness-raising and capacity-building of UPDF soldiers, (d) releasing and reintegrating underage recruits and (e) enforcing accountability mechanisms in the event of any allegation of recruitment or use of children in UPDF or its auxiliary forces. The Task Force is providing ongoing support to the Government of Uganda in implementing these activities.

B. Progress on the implementation of the Uganda action plan

1. Verification visits to Uganda People's Defence Forces facilities in northern Uganda

5. In compliance with the above components of the action plan, the Government of Uganda and the Uganda Task Force on Monitoring and Reporting in early 2009 agreed upon a series of visits by the Task Force to UPDF facilities in northern Uganda, with a view to verifying that no persons under the age of 18 were present within, or recruited into, its ranks. The Task Force also sought to verify that members of UPDF and its auxiliary forces were not involved in committing other grave child rights violations, particularly in relation to sexual violence, which was a commonly reported violation committed by UPDF. It should be noted, however, that since September 2007 only 16 cases of sexual violence have been registered, and appropriate and timely action has been taken by the Ugandan authorities in those cases.[1] Significantly, no case of recruitment or use of children by UPDF or its auxiliary forces has come to the attention of the Task Force, as reflected in the inputs on Uganda to the eighth report of the Secretary-General on children and armed conflict. Throughout the visits, UPDF extended excellent cooperation to the verification team. The Task Force is planning to undertake another round of verification visits in the third and fourth quarters of 2009.

6. The verification team also confirmed that the local defence units were in the process of being phased out as part of the process of professionalizing UPDF. Local defence unit members who qualify to serve in the armed forces of Uganda under the established recruitment criteria will be formally integrated into UPDF. Members of local defence units who do not meet the recruitment criteria, including age, will be demobilized with a compensation package and reintegrated into civilian life.

2. Monitoring the recruitment process of the Uganda People's Defence Forces in the northern districts of Uganda

7. As part of the collaboration between the Uganda Task Force on Monitoring and Reporting and UPDF, the Task Force observed the UPDF recruitment process in the northern districts of Uganda, which took place on 12 and 13 February 2009 in Kitgum District and on 13 and 14 February 2009 in Pader District. Finally, on 21 February 2009, the recruitment exercise was concluded in Lira District. It was noted that strict age requirements for recruitment into UPDF, as set forth in existing laws and regulations, were strictly observed and followed by UPDF officers in compliance with the UPDF internal circular of February 2009 containing

[1] Of the 16 cases registered, six alleged perpetrators have been arrested, one remains under investigation and nine remain at large.

instructions on recruitment criteria in relation to the above-mentioned general recruitment exercise.[2]

3. Awareness-raising on child rights violations and Security Council resolution 1612 (2005)

8. The Uganda Task Force on Monitoring and Reporting members conducted awareness-raising on the rights of children and orientation for members of the UPDF Unit Disciplinary Committee in 5th Division headquarters in Pader District on 28 May 2009. Members of the Committee were sensitized on Security Council resolution 1612 (2005) and on the contents of the Uganda action plan regarding prevention of the recruitment and use of children by the Ugandan armed forces. Overall, the majority of members expressed a strong interest in getting more involved in the implementation of the action plan by taking active part in its dissemination and rollout. The Task Force members also used the forum to raise awareness of child rights violations, especially highlighting acts of sexual violence that had mainly been perpetrated against children by UPDF and its auxiliary forces. Particular emphasis was placed on the need for the Unit Disciplinary Committee to hold perpetrators of child rights violations accountable for their actions given that the Committee was mandated by article 195 of the 2005 Uganda People's Defence Forces Act to enforce discipline among UPDF and its auxiliary forces.

9. The Government of Uganda extended its cooperation to the Task Force in the implementation of the action plan, including by guaranteeing regular access to all relevant UPDF units, sharing and enhancing access to any existing documentation related to recruitment, permitting independent monitoring of the UPDF recruitment process and extending invitations for awareness-raising activities within the framework of the action plan.

III. Compliance of the Uganda People's Defence Forces and the local defence units

10. Based on the findings of its verification visits to UPDF facilities in northern Uganda, the Uganda Task Force on Monitoring and Reporting prepared an extensive report summarizing its activities and findings for consideration of the removal of UPDF and its auxiliary forces from the annexes to the eighth report of the Secretary-General on children and armed conflict. Following deliberations on the report of the Uganda Task Force on Monitoring and Reporting, the Task Force on Children and Armed Conflict at United Nations Headquarters, chaired by my Special Representative for Children and Armed Conflict, endorsed the recommendations contained in that report, and UPDF and its auxiliary forces, the local defence units, were then de-listed from annex II in the eighth report of the Secretary-General on children and armed conflict.

11. The Uganda Task Force on Monitoring and Reporting will, however, continue to monitor the compliance of UPDF within the action plan framework to ensure that

[2] The circular clearly spelled out the recruitment criteria of citizenship, medical fitness, age, level of education, possession of a driver's licence and good conduct. Regarding age, the instructions provide that "all officer cadets and recruits must be adult males and females between the ages of 18-25 years".

continuous efforts are made to prevent the recruitment and use of children and that the implementation of the action plan continues. However, the Lord's Resistance Army (LRA), whose leadership originates in Uganda and a significant number of whose forces are also from Uganda, remains listed in annex II to the Secretary-General's eighth report on children and armed conflict.

IV. Activities undertaken with regard to the December 2008 conclusions of the Security Council Working Group on Children and Armed Conflict with regard to Uganda

12. In the June 2008 additional report of the Secretary-General on Children and Armed Conflict in Uganda (S/2008/409, para. 9), the task forces on monitoring and reporting in Uganda, the Central African Republic, the Democratic Republic of the Congo and the Sudan,[3] in close cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Mission in the Sudan (UNMIS), were requested to develop a strategy for increased regional joint capability to monitor and report on cross-border recruitment and use of children by the Lord's Resistance Army (LRA). In December 2008, in its latest conclusions on Uganda (S/AC.51/2008/13), the Security Council Working Group on Children and Armed Conflict requested the establishment of a joint regional strategy.

13. In response, the Uganda Task Force on Monitoring and Reporting has been engaged in consultations with the Resident Coordinator of the United Nations country team in Uganda, United Nations Children's Fund headquarters and regional offices, Department of Peacekeeping Operations missions in the Sudan and the Democratic Republic of the Congo and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict on appropriate steps to establish a subregional strategy to monitor and report on grave child rights violations committed by LRA in the region. That, coupled with reports on alleged atrocities committed by the rebel group during the reporting period, makes the realization of such a strategy particularly timely.

14. One of the sole recommendations that has not been adequately addressed to date has been the evacuation of all school premises by UPDF forces. Baralegi school in Lira District has remained under the occupation of the Presidential Guard Brigade since March 2004.

V. Grave violations against children perpetrated by the Lord's Resistance Army in the region

15. Although LRA violations against children were originally reported solely under Uganda country situation reporting, the geostrategic situation of that group, which is expanding its armed activities to the wider region, has necessitated that LRA violations now be reported under country situation reports to the Security Council and its Working Group on Children and Armed Conflict under an additional

[3] The peacekeeping missions in the Central African Republic, the Democratic Republic of the Congo and the Sudan chair their respective task forces.

three country situations of concern: Sudan, Democratic Republic of the Congo and Central African Republic.

16. LRA has not knowingly operated in Ugandan territory since the cessation of hostilities in August 2006. For that reason, no cases attributable to LRA have been recorded by the Uganda Task Force on Monitoring and Reporting. Over the past four years, however, the LRA, including a substantial but unknown number of Ugandan children associated with its forces, has increasingly moved into neighbouring countries to establish additional bases, and children and their communities in the Sudan, the Democratic Republic of the Congo and the Central African Republic have been the victims of attacks that have claimed hundreds of lives and resulted in the disappearance of hundreds of children. In the Democratic Republic of the Congo, 233 abductions of children by LRA were documented by child protection partners between 1 December 2008 and 30 June 2009; 128 of them occurred during violent attacks at the end of 2008. LRA attacks and continued military operations in the Democratic Republic of the Congo have triggered the displacement of 226,000 persons since the beginning of 2009.

17. The brutal assaults by LRA include killing and maiming, abductions, sexual abuses, looting and destruction of property. Since April 2008, escalating violence initially struck Haut-Uélé District, including the town of Dungu, and has spread into Bas-Uélé District since April 2009, following the deployment of troops reinforced by MONUC and Armed Forces of the Democratic Republic of the Congo in Haut-Uélé. In southern Sudan and the Central African Republic, where attacks are reported regularly, the situation is equally troubling.

18. In early November 2008, stakeholders in the peace process, including representatives from the Governments of Uganda and Southern Sudan, LRA, the United Nations, the African Union, donor countries and civil society, met in Kampala and called upon LRA leader Joseph Kony to sign the Comprehensive Peace Agreement aimed at ending the 23-year conflict between the Government of Uganda and LRA. Those efforts failed, however, and the Comprehensive Peace Agreement remains unsigned. Meanwhile, as previously mentioned, LRA has increasingly become a regional actor operating in the north-eastern Democratic Republic of the Congo, southern Sudan and the Central African Republic. On 14 December 2008, UPDF, the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Sudan People's Liberation Army launched a joint military operation on LRA rebels in Garamba National Park in the Democratic Republic of the Congo. The attacks reportedly provoked the dispersion of LRA elements towards the Sudanese border and the south of the Haut-Uélé District of the Democratic Republic of the Congo. Since December 2008, LRA elements, operating in small groups, reportedly conducted attacks against several localities in the Democratic Republic of the Congo, killing civilians, burning houses and abducting children and adults. In total, it is estimated that more than 1,000 civilians have been killed and several hundred abducted by LRA since it increased its violent activities in 2008.

19. The security situation has hampered humanitarian access to many areas of the Haut-Uélé, Bas-Uélé and Ango Districts. UPDF began withdrawing from the joint military operation in mid-March 2009, handing over to FARDC officially on 20 March 2009.

20. In a worrisome development, many communities on both sides of the Congolese-Sudanese border have set up civilian defence groups as a direct

consequence of the increased insecurity caused by the LRA presence in the Democratic Republic of the Congo; those groups are largely composed of youth and traditional hunters. If not addressed quickly, those groups could pose a major risk for child recruitment; they should be closely monitored.

VI. Regional initiatives to strengthen Lord's Resistance Army monitoring and reporting

A. Regional monitoring and reporting mechanism

21. To date, information-sharing mechanisms between countries have been specific to each country-level task force for reporting purposes. Cross-border inter-agency information-sharing takes place for the coordination of repatriation of children. Finally, as noted above, monitoring and reporting for the Security Council on LRA is now to be managed by each country-level task force that has LRA listed as part of its mandate (i.e., Uganda, Democratic Republic of the Congo, Central African Republic and southern Sudan).

22. A regional meeting to address the challenges of more coherent and analytical reporting on LRA is scheduled to be held in Nairobi in the third quarter of 2009. Its overall objective is to promote a coordinated strategy owned by all concerned actors in the region to ensure appropriate reporting on child rights violations, including more in-depth analysis and region-wide recommendations on how to address those violations, a common advocacy platform and more efficient communication among country operations. A major part of that meeting will be dedicated to the realization of an agreed strategy for the implementation of a regional monitoring and reporting mechanism on grave child rights violations perpetrated by LRA, as recommended by the Security Council Working Group on Children and Armed Conflict (S/2008/49, para. 9, and S/AC.51/2008/13, para. 12 (a)).

B. Programmatic monitoring, reporting and response strategies

23. In January 2008, a meeting was conducted by UNICEF, Save the Children (Uganda), Save the Children (United Kingdom) based in the Democratic Republic of the Congo and the child protection section of MONUC to assess and plan for the release and cross-border return of children and women from LRA. The resulting plan details the process for their reception, disarmament, demobilization, repatriation/relocation and reintegration. It was developed by Save the Children in Uganda and UNICEF in collaboration with MONUC, relevant child protection actors and the Ugandan Amnesty Commission. In December 2008 and January 2009, the operational plan was updated to ensure roles and responsibilities based on the current capacity of all concerned actors, with the participation of UNICEF (Democratic Republic of the Congo, Uganda, Central African Republic and Sudan), MONUC, Cooperazione Internazionale, Save the Children United Kingdom and strategic partners (the United Nations High Commissioner for Refugees and the International Committee of the Red Cross). The plan was also discussed with the relevant armed forces of the Democratic Republic of the Congo (FARDC) and Uganda (UPDF) and local authorities, including Governmental disarmament,

demobilization and reintegration units, to ensure coordination and information-sharing.

VII. Recommendations

24. I welcome the cooperation extended by the Government of Uganda in the signing and realization of the action plan pursuant to Security Council resolutions 1539 (2004) and 1612 (2005) and the conclusions of the Security Council Working Group on Children and Armed Conflict, resulting in compliance with national and international legal instruments applicable to the Government of Uganda and encourage the continued cooperation of that Government with the monitoring and reporting task force in Uganda and relevant task forces in the region.

25. I encourage the Security Council Working Group on Children and Armed Conflict to consider visiting Uganda and the region to assess the impact of its work in Uganda and to review the regional impact of the violent activities of LRA on children there.

26. I strongly urge the Lord's Resistance Army to engage with United Nations country teams in the region for the immediate release of all children associated with its forces. In this regard, I call upon my Special Representative for Children and Armed Conflict, in coordination with relevant Governments and actors on the ground, to devise an advocacy and contact group to effect this release as a matter of urgency.

27. I further encourage the United Nations task forces on monitoring and reporting in Uganda, the Central African Republic, the Democratic Republic of the Congo and the Sudan, in close cooperation with the United Nations missions in the Democratic Republic of the Congo, the Sudan and the Central African Republic, to conclude their regional strategy on monitoring and reporting and to begin to report in a more coordinated manner on LRA abuses across the region as a matter of priority.

28. I strongly urge the Government of Uganda to prioritize the protection of children in its military actions against LRA elements, either on Ugandan territory or in joint operations in neighbouring countries.